

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

BRADLEY SANDEFUR,

Petitioner,

v.

FERNANDEIS FRAZIER, *et al.*,

Respondents.

Case No. 3:21-cv-00125-ART-CSD

ORDER

In this habeas corpus action, on June 15, 2022, the Court appointed counsel for the petitioner, Bradley Sandefur. (ECF No. 33.) Appointed counsel—the Federal Public Defender for the District of Nevada—appeared for Sandefur on July 13, 2022. (ECF No. 34.) The Court will therefore set a schedule for further proceedings in this action as follows.

Amended Petition. Petitioner will have 90 days from the date of this order to file an amended petition for writ of habeas corpus. The amended petition must specifically state whether each ground for relief has been exhausted in state court; for each claim that has been exhausted in state court, the amended petition must state how, when, and where that occurred.

Response to Amended Petition. Respondents will have 60 days following the filing of the amended petition to file an answer or other response to the amended petition.

Reply and Response to Reply. Petitioner will have 45 days following the filing of an answer to file a reply. Respondents will thereafter have 30 days following the filing of a reply to file a response to the reply.

Briefing of Motion to Dismiss. If Respondents file a motion to dismiss, Petitioner will have 60 days following the filing of the motion to file a response to

1 the motion. Respondents will thereafter have 30 days following the filing of the  
2 response to file a reply.

3 Discovery. If Petitioner wishes to move for leave to conduct discovery,  
4 Petitioner must file such motion concurrently with, but separate from, the  
5 response to Respondents' motion to dismiss or the reply to Respondents' answer.  
6 Any motion for leave to conduct discovery filed by Petitioner before that time may  
7 be considered premature, and may be denied, without prejudice, on that basis.  
8 Respondents must file a response to any such motion concurrently with, but  
9 separate from, their reply in support of their motion to dismiss or their response  
10 to Petitioner's reply. Thereafter, Petitioner will have 20 days to file a reply in  
11 support of the motion for leave to conduct discovery.

12 Evidentiary Hearing. If Petitioner wishes to request an evidentiary hearing,  
13 Petitioner must file a motion for an evidentiary hearing concurrently with, but  
14 separate from, the response to Respondents' motion to dismiss or the reply to  
15 Respondents' answer. Any motion for an evidentiary hearing filed by Petitioner  
16 before that time may be considered premature, and may be denied, without  
17 prejudice, on that basis. The motion for an evidentiary hearing must specifically  
18 address why an evidentiary hearing is required and must meet the requirements  
19 of 28 U.S.C. § 2254(e). The motion must state whether an evidentiary hearing  
20 was held in state court, and, if so, state where the transcript is located in the  
21 record. If Petitioner files a motion for an evidentiary hearing, Respondents must  
22 file a response to that motion concurrently with, but separate from, their reply in  
23 support of their motion to dismiss or their response to Petitioner's reply.

24 ///

25 ///

26 ///

27 ///

28 ///

1 Thereafter, Petitioner will have 20 days to file a reply in support of the motion for  
2 an evidentiary hearing.

3 It is so ordered.

4 DATED THIS 18<sup>th</sup> day of July, 2022.

5   
6

7 ANNE R. TRAUM  
8 UNITED STATES DISTRICT JUDGE  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28